

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

**VERNON SCHAAF, JULIAN BOIK,  
and ALFRED STREUFERT, on behalf  
of themselves and others similarly situated,**

**Civil No. 05-1319 (JNE/SRN)**

**Plaintiffs,**

**v.**

**ORDER**

**RESIDENTIAL FUNDING CORPORATION,  
HELLER FINANCIAL, INC.,**

**Defendants, and**

**MARSHALL & ISLEY BANK,**

**Nominal Defendant.**

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Vernon J. Vander Weide, Esq., on behalf of Plaintiffs

Andrew J. Holly, Esq. and James K. Langdon, Esq. on behalf of Defendant Residential Funding Corporation

Larry D. Espel, Esq. and Monte A. Mills, Esq., on behalf of Defendant Heller Financial Inc.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated January 4, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED that:**

1. Plaintiffs' Motion to Remand (Doc. No. 10) is **DENIED**.

DATED: January 25, 2006

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Court Judge